**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL MISC.APPLICATION No. 2203 of 2007**

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**JERAMBHAI JIVANBHAI & 1 - Applicant(s)**
**Versus**
**THE STATE OF GUJARAT - Respondent(s)**

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**Appearance :**
MR MP SHAH for Applicant(s) : 1 - 2.MS. KRUTI M SHAH for Applicant(s) : 1 - 2.
MR UR BHATT PUBLIC PROSECUTOR for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 16/03/2007**

**ORAL ORDER**

1. Rule. Mr. Bhatt, learned Additional Public Prosecutor waives service of rule on behalf of respondent-State.

2. Following aspects are considered:-

(a) The applicants are facing charges for offence punishable under Sections 365, 114 and 506(2) of the Indian Penal Code.

(b) Prima facie, from the complaint, no case, as alleged, is made out against the

applicants.

Considering the above aspects, the application deserves to be allowed and is allowed.

3. In the event of arrest of the applicants in connection with C.R. No.I-174 of 2005 of Botad Police Station, Dist.: Bhavnagar, they shall be released on bail in respect of offence/s alleged against them in this application, on their executing a bond of Rs.10,000/- (Rupees ten thousand only)with one surety of the like amount, by each of them independently, by the concerned Police Officer and on conditions that they shall:

[a] remain present before the Trial Court regularly as and when directed on the dates fixed;

**[b] remain present at the concerned Police Station on 28.03.2007 between 9.00 am and 2.00 pm.**

[c] make themselves available for

interrogation by a Police Officer, whenever and wherever required;

[d] not directly or indirectly make any inducement, threat or promise to any person acquired with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

[e] not to obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

[f] at the time of execution of bond, furnish the address to the Investigating Officer and the Court concerned and shall not change their residence till the final disposal of the case or till further orders;

[g] not leave Gujarat without the prior permission of the concerned Court/I.O. and, if having passport, shall deposit the same before the Trial Court within a week.

4. It would be open to the Investigating Officer to file an application for remand, if he considers it proper and just, and the concerned Magistrate would decide it on merits.

5. This order will hold good if the applicant is arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of his arrest. Thereafter, it will be open to the applicant to make a fresh application for being enlarged on bail in usual course which when it comes before the competent Court, will be disposed of in accordance with law, having regard to all the attending circumstances and the materials available at the relevant time uninfluenced by the fact that anticipatory bail was granted.

6. Rule is made absolute. Direct service is permitted.

[K.S. JHAVERI, J.]

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